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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,689

01/21/2004

Frank Clark

CLARK1180

5264

25548

7590

03/28/2007

DLA PIPER US LLP

4365 EXECUTIVE DRIVE, SUITE 1100

SAN DIEGO, CA 92121-2133

EXAMINER

LEE, GUNYOUNG T

ART UNIT

PAPER NUMBER

2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/762,689

Applicant(s)

CLARK, FRANK

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/14/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 02/14/2007 has been entered:
 - Claims 1, 12 and 19 have been amended;
 - Claims 4, 14 and 21 have been cancelled;
 - Claims 1-3, 5-13, 15-20 and 22-24 are pending in this application, with claims 1, 12 and 19 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 5-7, 19-20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katzman (US 5,140,254) in view of Kokin et al. (US 2004/0258567).
4. Katzman discloses a showerhead assembly having:
 - A showerhead (26) configured (Fig. 1) within a housing (10), the showerhead (26) including (Fig. 1) a flat, disc-shaped dispersing portion having (col. 2, lines 36-37) ports formed to eject water;
 - One or more (col. 3, line 7) light emitting diode (LED) lights (58) fixed within the housing (10) and a battery (50);
 - A fluid driven power supply (Fig. 3) (col. 2, lines 45-58) in electrical communication (Fig. 2) with the LED lights (58), the fluid driven power supply

(Fig. 3) configured to receive incoming fluid and release outgoing fluid to a showerhead (26) so as to (col. 2, lines 52-58) light the LED lights (58);

- The fluid driven power supply (Fig. 3) is (col. 2, lines 45-58) a water turbine and includes (Fig. 3) an internal fluid path with a fluid inlet and a fluid outlet, a rotateable turbine wheel (42), a generator (44) and a turbine shaft (Figs. 2 and 3) connecting the wheel (42) and generator (44); and
- The fluid driven power supply (Fig. 3) is located between the fluid incoming and outgoing.

5. Katzman does not expressly disclose that the battery is a rechargeable battery and connected to the fluid driven power supply. Kokin et al. discloses an illuminated showerhead (paragraph 28, lines 3-5) having a rechargeable battery (279) connected (paragraph 35, lines 8-12) by a fluid driven power supply (281) and a valve (paragraph 34, lines 3-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rechargeable battery and the valve as shown in Kokin et al. for the showerhead assembly of Katzman, for the purpose of minimizing the operation cost by using a re-usable/chargeable power source and increasing the convenience of the user.

6. Please note regarding claims 1, 12 and 19 that the functional statements (e.g. "suitable to wash an entire body" and "provide visual effects" in claim 1) which do not direct to structural limitations of an apparatus has been given little patentable weight (see MPEP § 2114).

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7. Claims 8-13, 15-18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katzman (US 5,140,254) and Kokin et al. (US 2004/0258567) as applied to claims 1, 12, 19 and 22 above, and further in view of Bolson (US 4,564,889).

8. Katzman discloses the invention substantially as claimed except that the showerhead is not formed from a translucent material. Bolson discloses a hydroelectric illumination showerhead (Fig. 1) having the showerhead comprises a translucent optical lens (32) (col. 4, lines 6-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transparent optical lens of Bolson for the showerhead assembly of Katzman, for the purpose of improving the appearance of the device.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
3/20/2007



RENEE LUEBKE
PRIMARY EXAMINER